

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 158	DATE	7/22/2008
CASE TITLE	Robert Clark vs. Miceal Shiehan , et al.		

DOCKET ENTRY TEXT

For the reasons stated below, Plaintiff's motion to reconsider appointment of counsel [13] is denied. However, we will grant Plaintiff's alternative motion for an extension of time to accomplish service. Plaintiff will have until October 20, 2008, to accomplish service on the Defendants. Plaintiff is further warned that failure to file with the Clerk of Court, the appropriate returns of service and/or waivers of service of summons and complaint as to each Defendant will result in a dismissal of the action and/or a dismissal of that Defendant where no such evidence of service was filed. Status hearing is reset to October 22, 2008 at 9:00 a.m.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

This matter is before the court on Plaintiff Robert Clark's ("Clark") "Motion to Reconsider Appointment of Counsel." (Mot. 1). We denied Clark's motion for appointment of counsel on January 11, 2008, and again on February 13, 2008. Clark has not included any information in the instant motion that would indicate that the court erred in denying Clark's motions for appointment of counsel or that the court should amend its rulings denying his motions. Nor has Clark shown at this juncture that he is not competent to present his case. Clark merely states that, since he is incarcerated, he is unable to accomplish service on the Defendants in this case. However, incarceration does not unduly prohibit a plaintiff from accomplishing service, particularly in light of the fact that personal service cannot be carried out by a person who is party to the case. Fed. R. Civ. P. 3(c)(2). Clark has not shown that he is incapable of hiring a third party to accomplish service. Therefore, we deny the motion. However, we will grant Clark's alternative motion for an extension of time to accomplish service. Clark will have until October 20, 2008, to accomplish service on the Defendants. Clark is further warned that failure to file with the Clerk of Court, the appropriate returns of service and/or waiver of service of summons and complaint as to each Defendant will result in a dismissal of the action and/or a dismissal of that Defendant where no such evidence of service was filed. Status hearing is

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